



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI

GOVERNOR

IN THE MATTER OF:

DAVID P. LITTELL

COMMISSIONER

WILLIAM P. FANNING)	ADMINISTRATIVE CONSENT
DEBORAH A. DOLLOFF)	AGREEMENT
KENNEBUNK, YORK, MAINE)	(38 M.R.S.A § 347-A)
NRPA)	
2008-169-L)	

This Agreement by and among William P. Fanning, Deborah A. Dolloff, the Maine Department of Environmental Protection ("Department"), and the Maine Office of the Attorney General is entered into pursuant to the laws concerning the Department's *Organization and Powers*, 38 M.R.S.A. § 347-A(1).

The parties agree as follows:

1. William P. Fanning and Deborah A. Dolloff own a parcel of land on U.S. Route 1 in Kennebunk, Maine as described and recorded in Book 8248 of Page 259 of the York County Registry of Deeds.
2. The property described in Paragraph 1 of this Agreement contains a portion of a freshwater wetland as defined by the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-B(4).
3. On July 31, 2008, an inspection of the property described in Paragraph 1 of this Agreement by Department staff revealed that William P. Fanning and Deborah A. Dolloff removed or caused to be removed vegetation and placed or caused to be placed fill material in a freshwater wetland within the shoreland zone. Approximately 4,000 square feet of the wetland was impacted by these activities. Neither William P. Fanning nor Deborah A. Dolloff first obtained a permit from the Department for these activities.
4. By removing or causing to be removed vegetation in a freshwater wetland, and by placing or causing to be placed fill material in a freshwater wetland without first obtaining a permit from the Department, William P. Fanning and Deborah A. Dolloff violated the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-C.
5. On August 8, 2008, the Department issued a Notice of Violation to William P. Fanning and Deborah A. Dolloff regarding the violation described in Paragraphs 3 and 4 of this Agreement.
6. On September 16, 2008, William P. Fanning agreed to implement a restoration plan recommended by staff which will remove the fill material and restore wetland shrubs and trees in the disturbed area of the wetland as described in

AUGUSTA

17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR

106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND

312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE

1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

IN THE MATTER OF:

WILLIAM P. FANNING)	ADMINISTRATIVE CONSENT
DEBORAH A. DOLLOFF)	AGREEMENT
KENNEBUNK, YORK, MAINE)	(38 M.R.S.A. § 347-A)
NRPA)	
2008-169-L)	

Paragraph 3 of this Agreement. The plan requires the restoration to be completed no later than June 13, 2009.

7. The Department has regulatory authority over the activities described herein.
8. Pursuant to 38 M.R.S.A. § 341-D(6)(C) and 347-A(1)(A)(1), administrative consent agreements must be approved by the Board of Environmental Protection (the "Board") which is part of the Department.
9. This Agreement shall become effective only if it is approved by the Board and the Attorney General.
10. To resolve the violations referred to in Paragraphs 3 and 4 of this Agreement, William P. Fanning and Deborah A. Dolloff agree to:
 - A. No later than June 13, 2009, remove the fill material from the wetland to its pre-existing grade, plant at least 8 tree saplings 8-10 feet off center that are no less than 6 feet high and plant at least 12 wetland shrubs at 8-10 foot intervals to staff's satisfaction. Apply conservation seed mix and mulch on all disturbed soils for stabilization.
 - B. Pay to the Treasurer, State of Maine, upon demand by the Department, the sum of one hundred dollars (\$100.00) per day per violation for the violation of any provision of this consent agreement.
 - C. Pay the Treasurer, State of Maine, in accordance with the following, the sum of eight hundred seventy six dollars (\$876.00) as a civil monetary penalty:
 1. Upon signing the Agreement pay the sum of four hundred thirty-eight dollars (\$438.00).
 2. No later than March 23, 2009 pay the sum of four hundred thirty-eight dollars (\$438.00).
11. The Department and Office of the Attorney General grant a release of their causes of action against William P. Fanning and Deborah A. Dolloff for the specific violations listed in Paragraphs 3 and 4 of this Agreement on the express condition that all actions listed in Paragraph 10 of this Agreement are completed in accordance with the express terms and conditions of this Agreement. The release shall not become effective until this condition is satisfied.

IN THE MATTER OF:

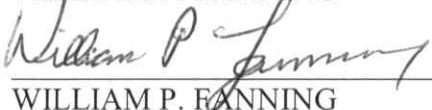
WILLIAM P. FANNING
DEBORAH A. DOLLOFF
KENNEBUNK, YORK, MAINE
NRPA
2008-169-L

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ADMINISTRATIVE CONSENT
AGREEMENT
(38 M.R.S.A. § 347-A)

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of three (3) pages.

WILLIAM P. FANNING


WILLIAM P. FANNING

DATE: 2/3/09

DEBORAH A. DOLLOFF


DEBORAH A. DOLLOFF

DATE: 4/18/09

MAINE BOARD OF ENVIRONMENTAL PROTECTION

BY: _____
SUSAN M. LESSARD, CHAIR

DATE: _____

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: _____
MARGARET A. BENSINGER, ASSISTANT ATTORNEY GENERAL

DATE: _____